

Notice of Allowability

Application No.

09/904,584

Examiner

Jon M. Lockard

Applicant(s)

KREEK ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 24 January 2005.
2. ☒ The allowed claim(s) is/are 30, 32-33, 37, 39-41, 43-44, 46, and 60-61 (renumbered as claims 1-12).
3. ☒ The drawings filed on 13 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Veronica Mallon on 12 April 2005.

2. The application has been amended as follows:
3. Claims 34-36, 38, 41-42, 45, and 47-57 have been cancelled.
4. In claim 30, the word "having" has been deleted and the word --with-- inserted therefor at line 3.
5. In claim 30, the phrase "(SEQ ID NO: 2)" has been deleted.
6. In claim 30, the phrase "(SEQ ID NO: 3)" has been deleted.
7. In claim 30, the phrase "(SEQ ID NO: 4)" has been deleted.
8. In claim 30, the phrase "or any" has been deleted and the word --and-- inserted therefor at line 5.
9. In claim 30, the word "combination" has been deleted and the word --combinations-- inserted therefor at line 6.
10. In claim 30, the phrase ", wherein the isolated variant is present in patients having an addictive disease" has been deleted.
11. In claim 39, line 1, the phrase "of either" has been deleted.

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12. In claim 39, the word "Claims" has been deleted and the word --Claim-- inserted therefor at line 1.
13. In claim 39, the phrase "or 38" has been deleted.
14. In claim 39, line 3, "bacteriophage, a plasmid, and a pUC plasmid or derivatives thereof" has been amended to read --bacteriophage and a plasmid, or derivatives thereof--.
15. In claim 40, the phrase "and wherein the pUC plasmid derivative is selected from the group consisting of a pGEX vector, pmal-c, and pFLAG" has been deleted.
16. In claim 43, line 1, the phrase "of either" has been deleted.
17. In claim 43, line 1, the word "Claims" has been deleted and the word --Claim-- inserted therefor.
18. In claim 43, line 1, the phrase "or 42" has been deleted.
19. In claim 43, the phrase "said promoter is" has been amended to read --said isolated variant is operatively linked with a promoter--.
20. In claim 44, line 1, the phrase "A unicellular host" has been amended to read --An isolated host cell--.
21. In claim 46, line 1, the phrase "unicellular host of either of Claims 44 or 45, wherein said host" has been amended to read --isolated host cell of Claim 44, wherein said host cell--.
22. (New) claim 60 reads "The cloning vector of Claim 39, wherein the plasmid is a pUC plasmid or derivative thereof".
23. (New) claim 61 reads "The cloning vector of Claim 60, wherein the pUC plasmid derivative is selected from the group consisting of a pGEX vector, pmal-c, and pFLAG.
24. The title has been amended to read --Variants of the human kappa opioid receptor gene--.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jon M. Lockard, Ph.D.** whose telephone number is (571) 272-2717. The examiner can normally be reached on Monday through Friday, 8:00 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Brenda Brumback**, can be reached on (571) 272-0961.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JML
April 15, 2005


ROBERT S. LANDSMAN, PH.D
PRIMARY EXAMINER